

GUIDEBOOK FOR MIXED COMMISSION APPROVALS FOR FACILITIES CONSTRUCTION IN ITALY



OCTOBER 2000

**CHAIRMAN U.S. SECTION CONSTRUCTION MIXED
COMMISSION ENGINEERING FIELD ACTIVITY
MEDITERRANEAN
NAPLES, ITALY**

Executive Summary

Background

DoD installations and facilities in Italy are governed by the Status of Forces Agreement (SOFA) and the 1954 Bilateral Infrastructure Agreement (BIA). The BIA authorized the formation of Mixed Commissions (MC) as the agencies responsible for overseeing execution of U.S.-funded infrastructure projects in Italy. Presently, one such Italian/U.S. Mixed Commission exists in all of Italy and is composed of one Italian and five U.S. members. Projects for the repair, upgrading and construction of new facilities on land provided by the Italian Ministry of Defense (MOD-IT) and funded with U.S. funds may require approval by the Italian/U. S. Mixed Commission according to the 1954 BIA. Projects on property that is leased by the U.S. from non-MOD-IT entities do not go through the Mixed Commission approval process. This handbook describes the submission/approval process in detail and clarifies the procedures that must be followed for each phase of the MC process.

Purpose

As indicated in the Direttiva, the BIA:

“...regulates the utilization, function, consignment and construction with US funds of infrastructure of interest to the US Armed Forces stationed in Italy...”

The Mixed Commission process satisfies the objectives envisioned by the BIA. First of all, it ensures that U.S. funded construction is carried out in accordance with the approved mission and base master plan for each installation. Secondly, it ensures that projects are technically acceptable and in compliance with the general construction laws of Italy. And, finally, it satisfies the requirement to notify or obtain the concurrence of local authorities for certain types of projects prior to execution.

The BIA also establishes that infrastructure constructed with U.S. funds will eventually be consigned to the Italian Government. Therefore, the construction of infrastructure by U.S. Forces is considered to be “executed on behalf of the Italian Government.” The Italian Defense Military Engineers (Direzione Generale del Demanio e dei Materiali del Genio, abbreviated as GENIODIFE) are responsible under Italian law for overseeing all U.S. Forces construction in Italy, and must ascertain that construction complies with Italian national building and environmental laws. The Mixed Commission process encompasses GENIODIFE’s oversight responsibility. GENIODIFE is involved in the process at various stages, and the technical documentation which results from the process is turned over to them for safekeeping. This documentation will be required in order for the Italian Government to legally accept the facilities back on the public roles, should the U.S. ever turn the facilities over.

Procedures

Specific procedures for the Mixed Commission process are contained in the 1979 Italian Defense General Staff Directive (“The Direttiva”), which is the current implementing document for the 1954 BIA. Each chapter of the Direttiva provides specific guidelines for a specific project type, and it is common practice to refer to a project by its chapter designation. There are four key chapters in the document. New construction is referred to in Chapter 1 and uses the procedures defined therein. Repair projects are covered in chapter 2, U.S.-prefinanced NATO projects in Chapter 3 and Troop Labor projects in chapter 5.

“Chapter 1 projects” require written approval from the ISCMC prior to starting construction. “Chapter 2 projects” require only notification to the ISCMC, but do not require approval. “Chapter 3 projects” are U.S.-prefinanced NATO projects and must be approved prior to construction. Chapter 3 projects follow the same general process as Chapter 1 projects. “Chapter 5 projects” are Chapter 1 or Ch 2 for projects for which the U.S. intends to use troop labor for the construction. The use of U.S. troop labor in construction work is considered as an exception due to technical reasons or the need to train U.S. Military, and must be specifically requested and approved by the ISCMC.

In addition, projects at Camp Darby, NSA La Maddalena and NSA Gaeta generally require submission to the Superintendent of the Environment (Soprintendenza dei Beni Ambientali, SBA) as part of the approval process. These bases are located in National or Regional Park areas. Submission to the SBA requires additional detailed project information, which must be forwarded as early in the process as it is available.

The Mixed Commission process also includes procedures for verifying contractor qualifications, an Anti-Mafia screening process and reviews by local and regional authorities (e.g. CO.MI.PAR. and SBA) when it is appropriate.

The key to timely and successful project approvals is early planning. Engineering Field Activity Mediterranean (EFA MED) coordinates submission of all Mixed Commission projects in Italy and its MC staff serves as the primary point of contact between the U.S. and Italian sides of the Italian/U.S Mixed Commission. The contact numbers for the USCMC members are:

	Name	Phone #	Fax #
Chairman	CAPT Jim Hollrith	39-081-568-4720 x350 DSN 626-4720 x350	39-081-568-4349 DSN 626-4349
Deputy Chairman	LT Mark Russell	39-081-568-4720 x350 DSN 626-4720 x350	39-081-568-4349 DSN 626-4349
Navy Rep.	Nives Russo-Weeks	39-081-568-4720 x351 DSN 626-4720 x351	39-081-568-4349 DSN 626-4349
Air Force Rep.	Col Gary LaGassey	39-0434-66-5511 DSN 632-5511	39-0434-66-4739 DSN 632-4739
*Army Rep.	Col Walton Carroll	39-0444-51-7724 DSN 634-7724	39-0444-51-7405 DSN 634-7405

*POC for projects in Camp Ederle: Mr. John Lenart – PH 39-0444-51-8945, DSN 634 8945, FAX 634 71287

POC for projects in Camp Darby: Mr. Gianni Tognetti – PH 39-050-54-7736, DSN 633 7736, FAX 633 7394

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Introduction

General

The purpose of this guidebook is to assist commands in preparing requests for project approvals pursuant to the 1979 Direttiva. It translates the agreed upon procedures into a set of instructions that can be followed by individuals without a detailed knowledge of the Direttiva itself. Additionally, it includes changes that have been implemented since the 1979 Direttiva such as anti-mafia screening procedures, verification of contractor qualifications and post construction certifications of compliance. It also provides guidance for contingency construction, out of cycle project submissions and year-end (expiring funds) projects. If an Activity wants to execute a U.S. funded infrastructure project on an Italian Military Base, on land controlled by the Italian government, or on land ceded to the U.S. for military uses by the Italian government, **THE GUIDELINES PROVIDED HEREIN MUST BE FOLLOWED.** Projects on land leased from a private corporation or individual, or on city owned land do not need Mixed Commission approval, but may require local building permits.

Part 1 of this guidebook provides key definitions and explains the submittal process. For each type of project, the handbook contains submittal procedures and flowcharts showing each step in the submittal process and the agency responsible for performing it. Parts 2, 3 and 4 detail the processes required for Chapter 1 submissions for “Pre-Approval”, “Pre-Award” and “Post Construction.” Chapter 3 (NATO Prefinanced) and Chapter 5 (Military Troop labor construction) projects follow the same process as Chapter 1 projects.

Part 5 contains guidance for and explanation of Chapter 2 submissions for notification. Part 6 provides information concerning “Contingency Support”, “Out of Cycle Submissions”, and “Year-End Projects,” and projects whose approval is greater than two years old.

The Appendices describe various sub-processes and contains sample clauses and examples for use by activities.

The Glossary contains a list of acronyms and terms used throughout this guidebook and in the Mixed Commission process.

This guidebook supersedes the May 1997 edition. It is to be used as a desk guide by everyone that is involved in the planning, design and execution of infrastructure projects in Italy. Its objective is to prevent project submission errors that could contribute to delays in project approvals, which affects our ability to execute construction, and ultimately impacts execution of the mission of our bases. Comments or suggestions on its content are welcome and should be addressed to EFA MED (Code 09MC).

Time Requirements

Activities must allow six to nine months for securing approval of projects. The bulk of this review time is required by the Italian government review agencies. For this reason, the keys to success are thorough master planning of the activity's needs and early submission of project documentation. Solicitation of bids or proposals cannot be made, nor can troop construction begin until Mixed Commission approval has been obtained. For year-end projects, authority to advertise and award prior to receipt of final project approval can be requested on an exceptional basis to avoid losing money. However, construction cannot start until final approval is received.

Two special cases should be noted which may require additional time before construction can be approved by the Mixed Commission: (1) communication projects including antenna installations, and (2) projects which entail a change of mission not previously approved by the Italian government. Installation of antennas requires frequency approval by the Italian government via the ODC before the project can be approved. Also, mission changes must be approved by the Italian government before the infrastructure projects that support these changes are approved.

Schedule for Submittals

Projects that are to be submitted for Mixed Commission review or notification should be identified by July and submitted to the ISCMC in October, one month prior to the Fall Presentations which are scheduled for late November/early December. Refer to Appendix B for additional details.

All Chapter 1, 2, 3, and 5 special projects and base level projects that will be executed in the next fiscal year should be included in the briefing packages for the Fall Presentations. Military Construction projects should be identified and submitted at least one year prior to the year of execution. (October 97 for a FY 99 MILCON). MILCON projects generally generate high level interest within the Italian government, so they tend to require more time for review and approval.

All projects for a given service component are to be submitted to the U.S. Section of the Construction Mixed Commission (USCMC) as a single package not later than 30 days prior to the IDGS briefing. Late submittals or projects not included in the IDGS briefing package will be accepted only if the base can justify the urgency of the project. Due to the complex approval process, submittals made after February have little chance of approval in time for execution during that fiscal year regardless of the justification.

Part 1: Process & Definitions

The overall procedure for Mixed Commission approval of U.S. funded construction projects in Italy is comprised of three phases: Pre-Approval, Pre-Award and Post-Construction as shown in figure 1-1. The three phases shown are expanded upon in the subsequent chapters of this handbook. In general, the Pre-Approval process includes an annual briefing to the Italian Defense General Staff by the Activity Commanding Officers/Public Works Officers that outlines the projects being submitted for that year. Also included in this phase is the submission of an Illustrative Statement for each project.

Figure 1-1: Mixed Commission Process



Once the project has been approved for award by the Italian Section of the Construction Mixed Commission, the Pre-Award process begins. This process includes submission of bidders list, anti-mafia screening certificates, final design and design certification, and verification of contractor qualifications.

The Post-Construction process covers the time the project is under construction through the final acceptance of the facility from the contractor. This process includes the submission of post construction certificates and project closure.

For purposes of the Mixed Commission process, the following definitions apply:

Construction is defined as new facilities, additions to existing facilities, substantial modifications to the exterior of existing facilities or significant changes in the use of existing facilities.

Repair is defined as any work that does not change the cubic capacity or the use of the infrastructure.

Maintenance is routine work required by the normal wear and tear of a facility. Maintenance returns the facility to its original design capability, but does not upgrade the facility. Maintenance projects do not require submission to the Mixed Commission.

Figure 1-2: Project Definitions

“Chapter 1” - Construction Projects

- All construction projects with an estimated cost of \$30,000 or greater
- All repair projects with an estimated cost of \$1,000,000 or greater
- All repair projects which require submission to the Sovrintendenza ai Beni Ambientali (SBA), the Italian Environmental Agency or the CO.MI.PAR
- All projects which significantly change the external appearance of a facility
- Projects for change in use of a facility
- Projects for demolition of buildings

“Chapter 2” – Repair Projects

- All repair projects with an estimated cost between \$30,000 and \$1,000,000 that do not otherwise fall under the Chapter 1 definitions.

“Chapter 3” – U.S. Pre-Financed NATO Projects

- NATO Pre-financed projects submitted under “Chapter 1.”

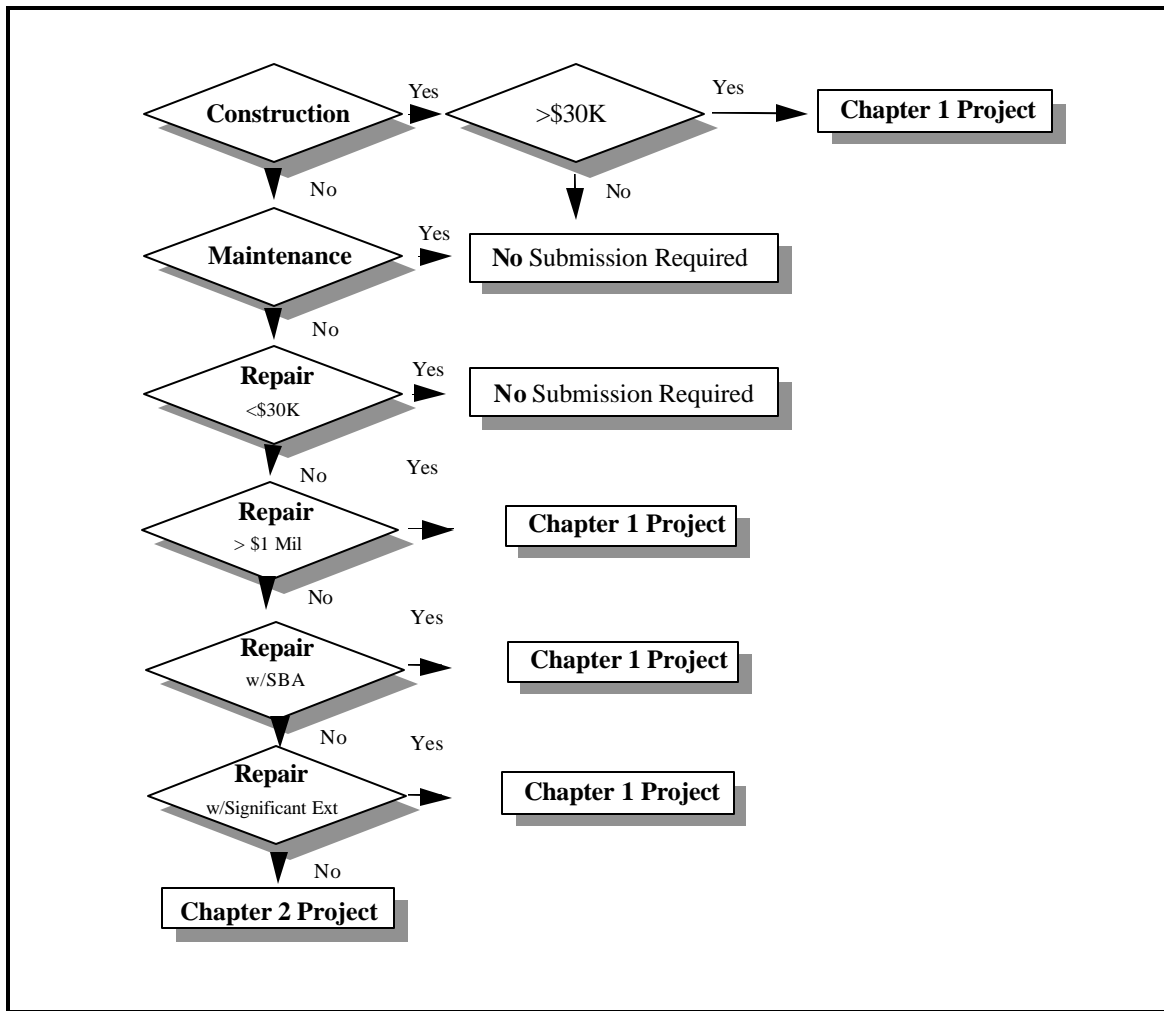
“Chapter 5” - Troop Labor Projects

- Projects submitted under “Chapter 1” or “Chapter 2” where the U.S. requests to use troop labor for the construction.

Chapter 1, 3 and 5 projects require written approval from the Italian Government prior to beginning work. Chapter 2 “Repair” projects are submitted for notification only and approval to begin work is deemed to have been received 60 days after the project is submitted to the ISCMC, unless otherwise notified. Maintenance projects are not submitted for either notification or approval.

The following figure shows the decision path for determining whether a project should be submitted as a “Chapter 1” or “Chapter 2” project.

Figure 1-3: Chapter 1/Chapter 2 Project Determination



Part 2: “Pre-Approval Process for Chapter 1, 3 and 5 Projects”

This part of the handbook describes the “Pre-Approval” process for Chapter 1, 3 and 5 projects as defined in Part 1 of this handbook. The process begins with the issuance of a guidance message by the USCMC. As indicated on Figure 2.1 this message will be sent out annually in July.

Illustrative Statement (IS)

The Illustrative Statement (IS) is the prescribed format for submitting a project for review and approval by the Mixed Commission. The IS typically consists of two to three pages of typed information in a specific format with technical drawings or sketches. The information must be presented in both English and Italian. The IS text must be signed by the activity Commanding Officer or his/her designated representative, and endorsed by the Italian Base Commander. Appendix C contains the IS format with instructions for completing each block on the form. Activities should use and adapt this format to specific projects. The basic format (divisions) must be followed, but additional divisions may be added if considered necessary to accurately describe a project. Facilities and buildings mentioned in the IS must be clearly shown on accompanying drawings or sketches.

Address for Approvals

All requests for Mixed Commission approvals should be submitted to the following address:

Chairman, U.S. Section Construction Mixed Commission
Commanding Officer
Engineering Field Activity Mediterranean (Code 09MC)
PSC 817 Box 51
FPO AE 09622-0051

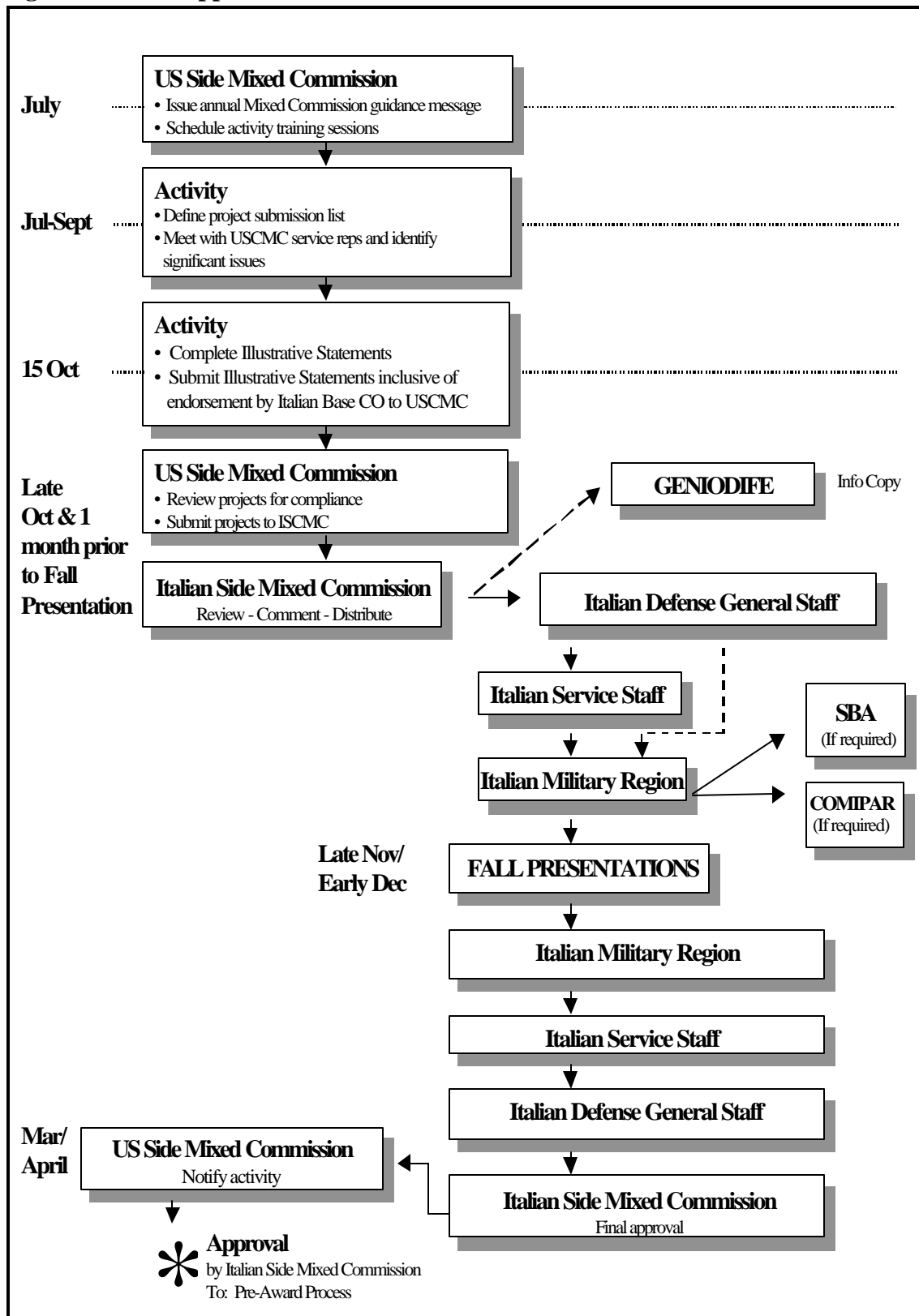
The USCMC will submit the Illustrative Statements to the ISCMC for review as shown on Figure 2.1.

Additional documentation will be required for projects affected by the “Galasso Law.” ALL PROJECTS AT CAMP DARBY (LIVORNO), GAETA AND LA MADDALENA ARE SUBJECT TO GALASSO LAW REVIEW. The “Galasso Law”, formally known as Italian Law Number 431 of August 8, 1985, established procedures for review of all construction projects in environmentally or culturally sensitive areas. Legal interpretation has indicated that as much as one third of all Italian land falls under the restrictions of the Galasso Law. All projects within national parks or reserves, within forests or woods, on mountains or within 300 meters of coastlines or lake shorelines, or 150 meters of river banks are subject to review under this Law. The review is conducted by the Ministero dei Beni Ambientali e Culturali (MBAC), which has delegated review responsibilities to the local Soprintendenza ai Beni Ambientali

(SBA). The review takes about 60 days. This review must be conducted before the project is given final approval.

It is strongly suggested that the USCMC be contacted during the pre design stage of projects to determine the applicability of the Galasso Law to the project. Activities are encouraged to submit Galasso Law documentation as early as possible. In any event, preparation of the documents should be included in the scope of work for the AE doing the design. The documentation required is outlined in Appendix F. A delay in submittal of Galasso Law documentation can cause significant delays in the approval process. Since the majority of all projects at Gaeta, La Maddalena and Camp Darby require Galasso Law submissions, they should be included with the illustrative statement if possible.

Figure 2-1: Pre-Approval Process



The Italian Military Region Commander is the competent agency to decide which projects are sent for COMIPAR review. The COMIPAR review process takes about 60 to 120 days.

Following the initial review of Illustrative Statements within MOD IT channels, the next event in the pre-approval process is the IDGS Flag/General Officer Level Briefings, also known as the Fall Presentations. Refer to Appendix B for the details related to these events.

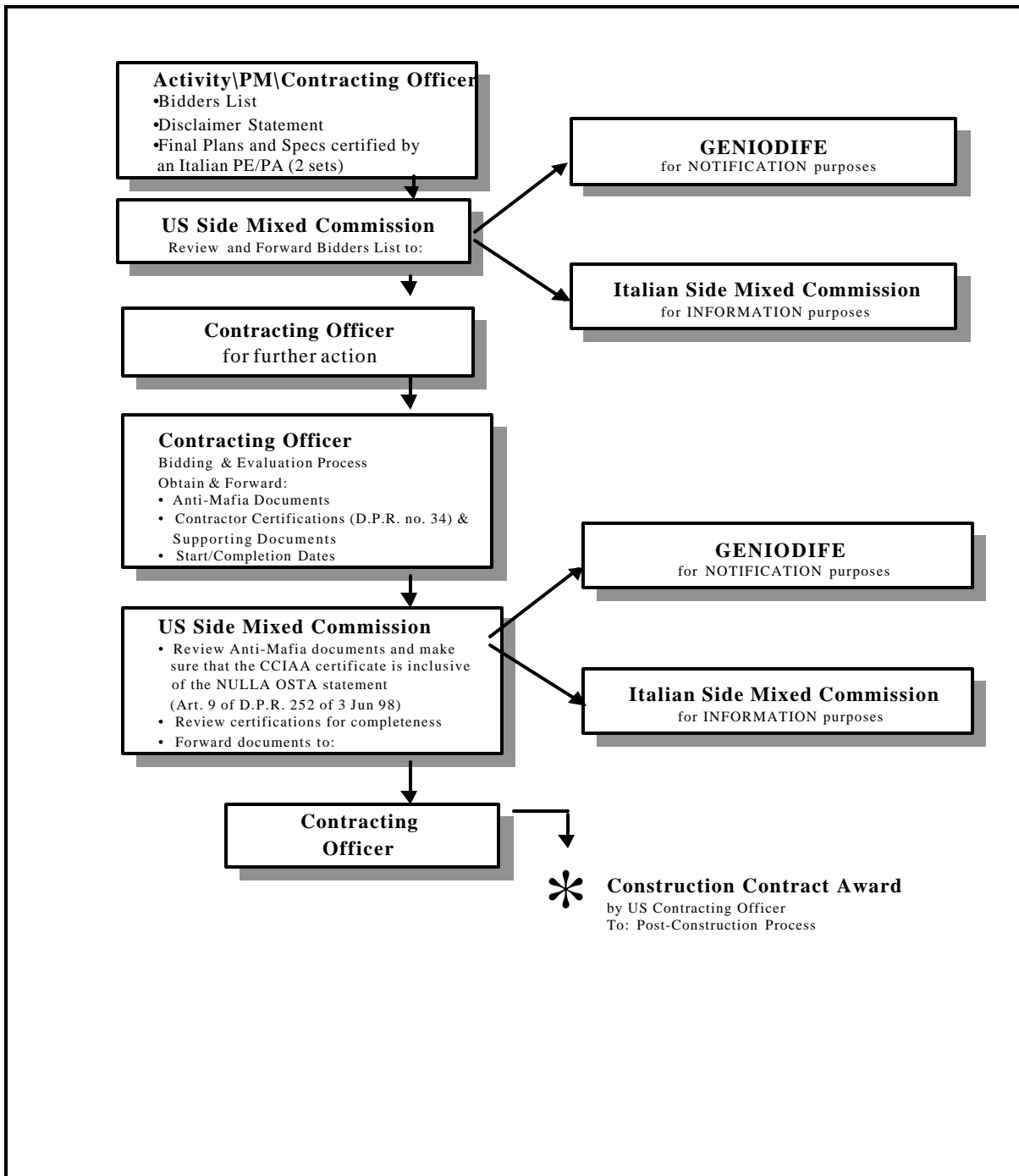
The process indicated at Figure 2.1 is to be followed for NATO projects that are pre-financed by the US. Projects that are in this category should be highlighted during the Fall Presentations. The Illustrative Statement should contain a statement indicating that it is a U.S.-prefinanced NATO project and indicate the number of the approved NATO Capability Package involved.

According to the 1979 Direttiva, the employment of U.S. military personnel in construction work shall be considered as an exception due to technical reasons or due to the need to train U.S. Military units. It is at the IDGS discretion to authorize the employment of U.S. military personnel. Consequently, the activity shall include a justification for the proposed use of military personnel as part of the Illustrative Statement for the project. It is important to note that if a project is approved as a Chapter 1 or 2 project for execution by contract, it **CANNOT** be executed by troop labor unless a specific written request is made, and approval granted, by the IDGS.

A letter notifying the activity of final project approval will be sent by the USCMC. A contract for the work cannot be awarded prior to receipt of final approval.

Part 3: Pre-Award

Figure 3-1: Pre-Award Process



Design Certifications

GENIODIFE (Italian Defense Directorate of Engineering and Public Works) is responsible for verifying that all military construction complies with Italian construction laws and regulations.

The final design packages must be certified by an Italian design professional to that effect. It is strongly suggested that the development of the final design and drawings be closely coordinated with the Italian design professional who will certify the drawings in order to avoid costly redesign during final design review. Italian building codes may differ significantly from U.S. government design standards. In general, the stricter of the two shall be followed. Refer to Appendix D for the design certification statement.

Bidders List Procedures

Once a project has been approved for construction, the Activity project manager or Contracting Officer must submit a bidders list and 2 copies of the final plans and specifications, certified by an Italian professional registered on the professional rolls, and a copy of the disclaimer statement shown in Appendix A. It is worth mentioning that the 1954 BIA assigns the responsibility for the preparation of the bidders' list to the ISCMC. However, GENIODIFE has assumed responsibility for this function. As agreed in with the ISCMC, the Activity will prepare the bidders list but the ISCMC (now GENIODIFE) reserves the right to reject firms for cause or recommend the addition of firms. The Contracting Officer may request permission to reject a firm added by GENIODIFE, but it must inform GENIODIFE (via the USCMC) of the reasons for the rejection.

For each solicitation, the number of firms that should be invited to bid depends on the estimated award amount IAW the criteria shown in the table below:

Estimated Award	Minimum Number of Firms to Be Invited to Bid
< \$100,000	10
> \$100,000	30

Please note that the above refers **ONLY** to the number of firms that must be invited to bid, NOT to the number of bids that has to be received. One of the most tangible ways to invite firms to bid is by sending them a pre-solicitation notice. This notice also serves as a good record of the number of firms that were invited to participate in a given solicitation.

Contract specialists should assemble bidders lists based on their knowledge of contractors' qualifications to do the work required by the solicitation. For this task, they may rely on any source of information available to them, to include but not limited to ANC certificates, pre-solicitations notices, Mixed Commission construction companies' spread-sheet, the Ministry of Public Works web site, etc.

Anti-Mafia Screening

Italian law requires that contractors on all government funded construction projects be screened to ensure that they are not mafia connected. In cooperation with the government of Italy, Anti-Mafia screening is required for all projects above 300 million Italian Lire, with the exception of

Chapter 5 Military troop labor projects. Prior to award, the Anti-Mafia documentation for the apparent successful firm must be sent to the USCMC for review. The USCMC will review the documentation received and inform the Contracting Officer of the results of the review. If the Contractor fails to pass the Anti-Mafia screening, the Contracting Officer CANNOT proceed with award. Appendix A details the process and submittals required for Anti-Mafia screening.

Contractor Qualifications

Background: The Italian ANC system, formerly used to qualify contractors, has been replaced by procedures described under Italian Presidential Decree (Decreto del Presidente della Repubblica or D.P.R.) n. 34 of 25 January 2000 pursuant to article 8 of Law n. 109 of 11 February 1994. D.P.R. 34/2000 provides for the establishment of SOA's (Società Organismi d'Attestazione) as the primary agents responsible for confirming contractor certification of their qualifications. Based on our discussions with GENIODIFE, these agencies will not be 100% in place until sometime in the year 2002. In the interim, and in accordance with the requirements of the Decree, GENIODIFE is: (1) requiring contractors to provide written self-certifications pursuant to D.P.R. 34, and (2) requiring 10% of bidders, at random, but to include the apparent successful firm, to provide documentation to support their self-certifications after bid opening.

Discussion: Pursuant to article XI, paragraph 1 of the Shell Agreement of 1995, the USCMC has established procedures that are "similar" to those adopted by GENIODIFE for this issue. The procedure, described below, accomplishes the following:

- As with the former system, it places the responsibility of qualifying contractors on the host nation (GENIODIFE, specifically) rather than on U.S. contracting representatives,
- It gives contracting officers the flexibility to proceed with contract award on the basis of the apparent successful contractor's self-certifications, and
- It gives GENIODIFE the flexibility to determine if and when it should spot check contractor qualifications/certifications. An apparent disadvantage is that a contract may have to be terminated for default if GENIODIFE determines that a contractor failed to meet the qualification criteria established by the Decree.

Contractor Self-Certifications: The Contracting Officer shall require interested firms to submit the self-certifications stipulated in the Decree prior to but not later than the time established for receipt of bid/proposals. Failure to submit this information shall be treated as a responsiveness issue. Contract provisions must be inserted in solicitations stipulating this requirement. Contracting Officers shall check the contractors' certifications for completeness by comparing them to the checklist at Appendix A. Following evaluation of bids/offers, contract award may be made to the apparent successful firm on the basis of the contractor's self-certifications.

Supporting Documentation: The Contracting Officer shall require the apparent successful firm to submit documentation, within a specified period following contract award, to support its self-certifications. Upon receipt, the back-up documentation will be forwarded with the self-certifications to GENIODIFE for review and further action, as it deems necessary. Contract provisions must be added to solicitations to reflect this position. Contracting Officers shall check the contractor's back-up documentation for completeness by comparing them to the checklist at Appendix A.

Contract Termination: Contract provisions must stipulate that the contract will be processed for and may be terminated for default if it is discovered after award that the contractor in fact failed to meet the certification requirements of D.P.R. n. 34/00.

Sample Clauses: Refer to Appendix A for sample clauses and checklist of requirements.

After reviewing the bidders list and confirming that the submitted documentation is appropriate, the USCMC will forward the bidders list back to the Contracting Officer for further action. At this point, the Contracting officer can proceed to determine the firm to whom the award will be made (Low Bid or Best Value). Contract award cannot be made until the Anti-Mafia screening process and review of contractor's self-certifications are completed. The Activity must also forward two sets of final design drawings and specifications along with the start and completion dates for the project to the USCMC. The final design for the project must have the required design certifications by an Italian Engineer or Architect registered on the professional rolls as described in Appendix D.

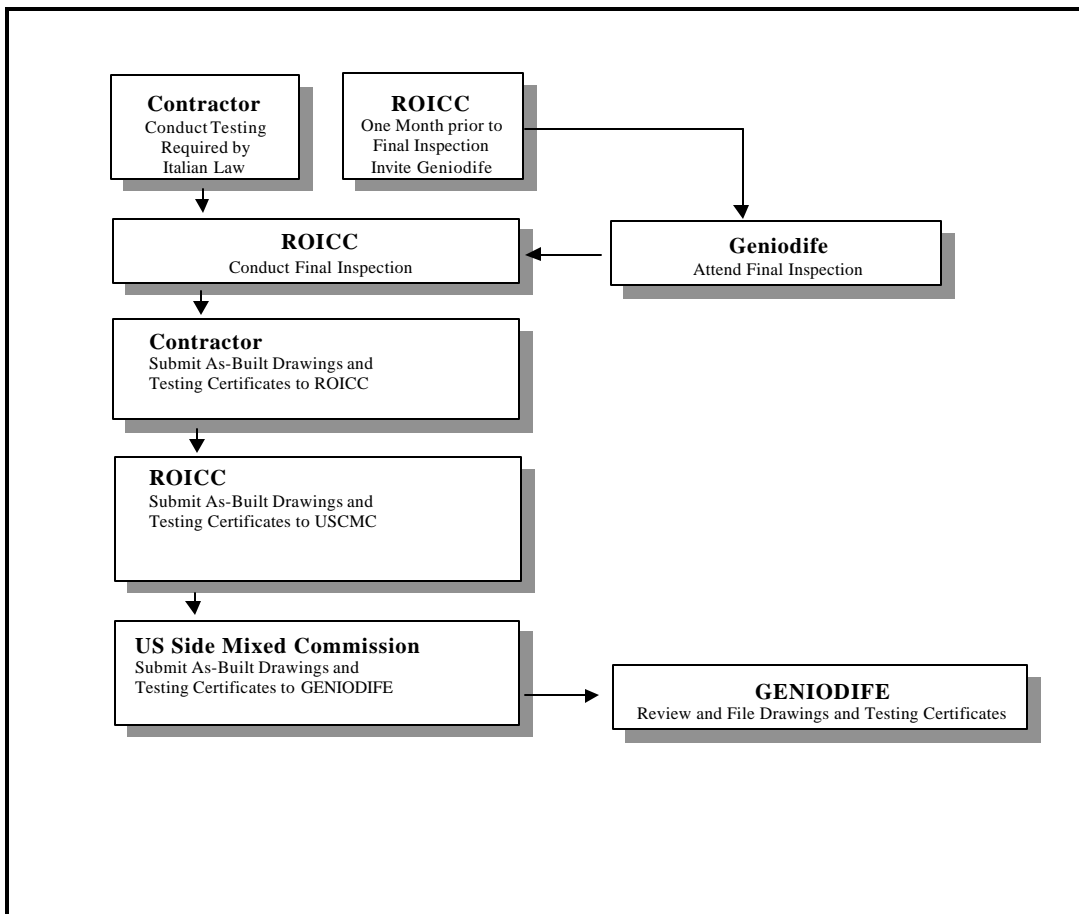
Acquisition Strategies

Bilateral agreements with the Italian government permit U.S. Forces to conduct procurements using U.S. procedures. Accordingly, the method of acquisition for specific projects falls under the purview of the Contracting Officer, subject to the requirements of the Federal Acquisition Regulations and the Mixed Commission requirements described herein. Contracting Officers are requested to contact the Mixed Commission representatives at EFA MED to discuss the method of satisfying both of these requirements for specific acquisitions. The approach that has been used for awarding indefinite delivery contracts (JOCs, SOC, etc.) is to base the initial award and Mixed Commission requirements (bidders list, anti-mafia and contractor qualification documentation) on a "seed" project. Once the initial award is made, subsequent Mixed Commission approved projects/task orders may be placed under the contract without subsequent submission of bidders list, anti-mafia screening documentation, etc. A similar approach may be used for multiple award contracts. That is, use a "seed" project for the initial solicitation, award the "seed" project to one of the selected/successful contractors and compete subsequent Mixed Commission approved projects among the successful contractors pursuant to the requirements of the contract. In this case, anti-mafia and contractor qualification documentation must be forwarded to the USCMC when a selected contractor receives its first award.

Part 4: Post-Construction

Once the project nears completion, the ROICC or U.S. representative will invite GENIODIFE to observe the final inspection as shown in Figure 4-1. Once the final inspection has been completed, the contractor will provide to the ROICC the as-built drawings and test certificates listed in Appendix D. The Contractor is responsible for conducting the tests during and after construction and providing the certificates required by the specific Italian law to the ROICC.

Figure 4-1: Post-Construction Process

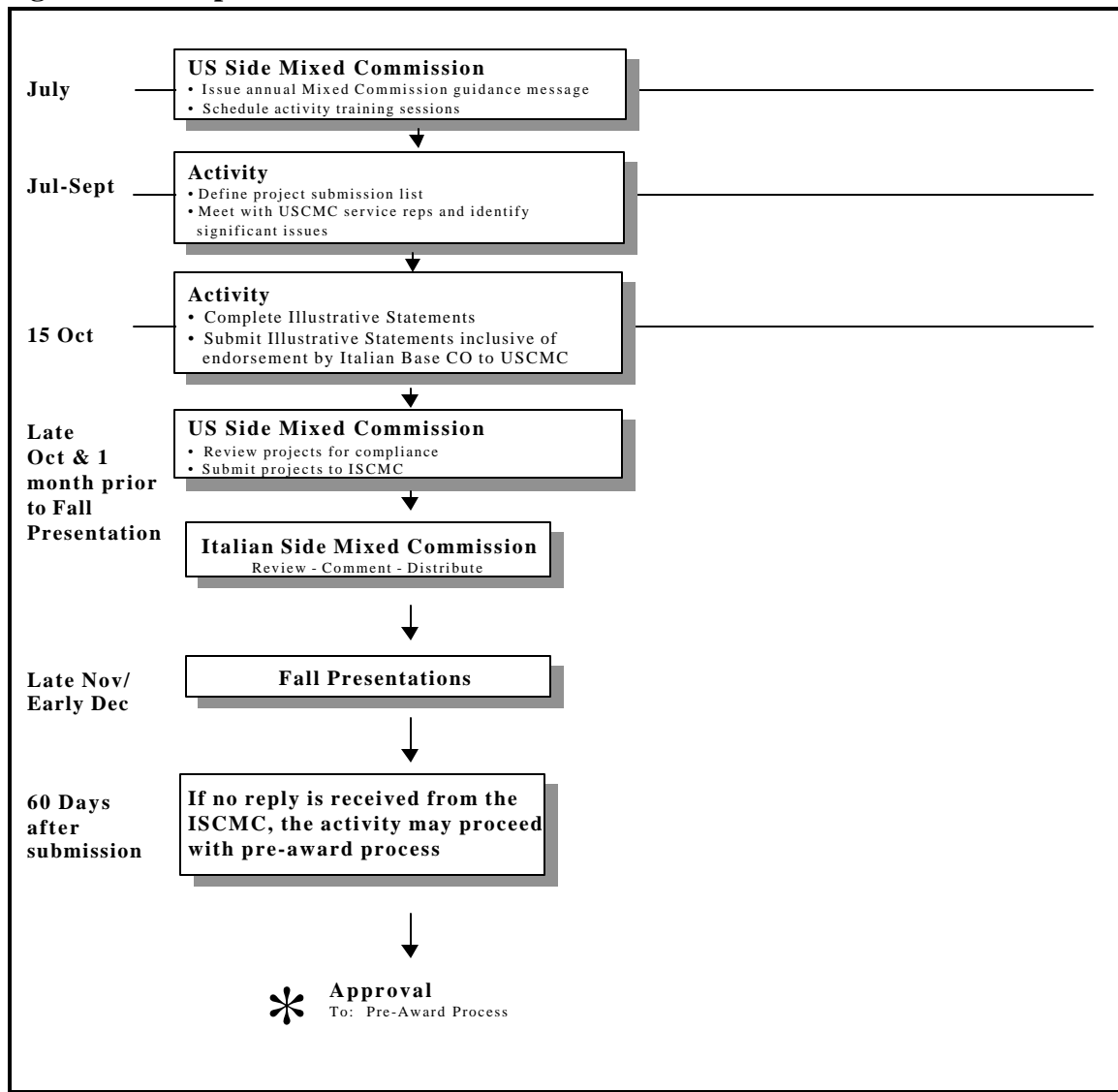


Post construction certificates are critical to ensure compliance with Italian construction laws and for residual value purposes should the facility ever be returned to the Italian Government

Part 5: “Chapter 2 Project” Notification

Chapter 2 projects are submitted for “notification” purposes only. Written approval from the ISCMC is not required. The projects will be briefed to the IDGS during the Fall Presentations and will have Illustrative Statements prepared. They are to be submitted at the same time Chapter 1 projects are submitted. Once the project has been submitted to the ISCMC, award and execution of the project can proceed after 60 days if no objection is received from the ISCMC. The Illustrative Statements must be in the same format and have the same content as described for Chapter 1 projects. Refer to Appendix C.

Figure 5-1: Chapter 2 Notification Process



Chapter 2 projects follow the pre-award and post-construction process described earlier for Chapter 1 projects.

Part 6: Special Interest Items

Contingency Support: On occasions, urgent operation projects are generated to support contingency requirements. Construction for these projects generally needs to start immediately, prior to submission of Mixed Commission documentation. The U.S. has been successful in the past in getting authority to start these projects, prior to Mixed Commission approval, by briefing the operational need to the right levels in the Italian Government in Rome and obtaining their concurrence. The responsibility for this action rests with EUCOM and the activities involved. The USCMC should be consulted as early in the process as possible to help identify the key players in Rome and to determine a strategy to meet the operational timeline while satisfying Mixed Commission requirements. If the operational departments of the Ministry of Defense (3rd Reparto) concur with the projects and support the urgency, their opinion will greatly influence the infrastructure department (4th Reparto) decision to allow the work to begin ahead of submission and approval of Mixed Commission paperwork.

Out of Cycle Project Submissions: The normal Mixed Commission submission cycle begins in late October with the submission of Illustrative Statements 30 days prior to the Fall Presentations. This cycle allows the projects to go through the process as a group, expediting both approval and tracking. Out of cycle submissions are possible, but involve special handling by the ISCMC and the IDGS. For this reason, a written justification must accompany every out of cycle submission, giving the reasons for its urgency, describing the reasons it was not included in the normal submission cycle, include a statement concerning the availability of funds for award and providing a realistic need date. Projects submitted after February have very little chance of being approved for execution in the same fiscal year. The USCMC should be consulted as soon as the need for an out of cycle submission is known.

Reversible Action Approvals/Expiring Funds: If approval is pending for a project that is to be funded with expiring funds, the Activity may request that the USCMC pursue “reversible action” approval to award the project prior to receipt of final approval from the ISCMC. If granted, the activity may award the contract to obligate project funds, but SHALL NOT AUTHORIZE INITIATION OF CONSTRUCTION UNTIL FINAL APPROVAL IS RECEIVED FROM THE ISCMC. This procedure subjects the U.S. government to potential delay costs and is considered to be an extraordinary measure to save year-end money. For the IDGS to approve a request for reversible action, it requires that the project be already approved by the local COMIPAR.

Approvals Over 2 Years Old: Although there is no formal expiration of the approval for a project, if an activity wants to execute a project whose approval is over 2 years old, it must certify to the USCMC that the scope has remained substantially the same as it was when it was originally submitted. For record keeping purposes, the USCMC will forward the original IS to the ISCMC and inform them that the Activity intends to proceed with execution of the work. The cover letter shall indicate that the project scope is unchanged from what was originally submitted.

Appendix A: Pre-Award Documentation

Contractor Qualification (D.P.R. 34/2000) Clauses

Pursuant to the general requirements to be entitled to bid or submit an offer in accordance with art. 17 of D.P.R. n. 34 of 25 January 2000 and the provisions in force, each bidder/offeror shall submit with its bid/offer, in the self-certification format established by D.P.R. n.403/98, documents certifying they meet the general requirements contained therein. Pursuant to the special requirements to be entitled to bid or submit an offer in accordance with art. 18 of D.P.R. n. 34 of 25 January 2000 and the provisions in force, each bidder/offeror shall submit with its bid/offer, in the self-certification format established by D.P.R. n. 403/98, documents certifying that, with reference to the five-year period prior to the date of this solicitation, they meet the special requirements contained therein.

FAILURE TO FURNISH THE SELF-CERTIFICATIONS FOR BOTH THE SPECIAL AND GENERAL QUALIFICATIONS BY THE TIME SET FOR OPENING OF BIDS, MAY BE CAUSE FOR REJECTION OF THE BID UNDER SEALED BID PROCUREMENTS. FAILURE TO FURNISH THE SELF-CERTIFICATIONS FOR THE SPECIAL AND GENERAL REQUIREMENTS BY THE TIME SET FOR THE SOLICITATION'S CLOSING DATE, MAY BE CAUSE FOR ELIMINATION OF THE OFFEROR FROM THE COMPETITION IN NEGOTIATED PROCUREMENTS.

The Contractor shall furnish the back-up supporting documentation, as delineated below, of the foregoing special and general requirements to the Contracting Officer, within the time period specified by the Contracting Officer, but in any event, no later than 14 days following award of the contract. The back-up supporting documentation shall be sufficient to satisfy the Contracting Officer that a bidder/offeror meets the requirements of D.P.R. 34 of 25 January 2000. **Failure of a bidder/offeror to comply with the Contracting Officer's request for back-up supporting documentation will subject the Contractor to possible termination for default of the contract. In the event the contract is terminated for default, the bidder/offeror is liable for any cost of acquiring the work that exceeds the amount of its bid/offer, and the bid guarantee, if required under the solicitation, is available to offset the difference.**

- 1) Documentation to forward to validate the actual compliance with the general requirements:
 - a) Certificate of Italian citizenship or of any other E.U. country, or certificate of residence in Italy for those foreign contractors and managers of legally established business companies, belonging to countries that apply reciprocity towards Italian citizens. All the aforementioned certificates must be no older than three months.

- b) Judicial register certificate no older than six months. The judicial register certificate is required for the company's owner, in the case of a sole proprietorship; for all the partners, in the case of a general partnership; for all the general partners, in the case of a limited partnership; for all the managers appointed as representatives for any other kind of company, as well as for the technical directors, if this title is not borne by any of the same aforementioned individuals.
- c) Certificate of membership to the Chamber of Commerce, Industry, Agricultural and Crafts issued no later than six months prior to the date of this solicitation, and showing the name of the individual authorized to legally engage the firm to collect and receipt.
- d) Certificate of the Bankruptcy Court, no older than six months. This certificate will be used to validate the self-certifications at items g and h of article 17 of D.P.R. n. 34 of 25 January 2000, with the specification that no bankruptcy has anyway occurred during the five-year period prior to the date of this solicitation.

Competing firms, to avoid the exclusion penalty, must forward both the certificates at items c and d of the subject article 17 of D.P.R. n. 34 of 25 January 2000. This is necessary since only the actual Court certificate can validate the compliance of a firm with requirement h at article 17 of D.P.R. n. 34 of 25 January 2000.

2) Documentation to forward to validate the actual compliance with the special requirements:

- a) To prove the adequate economical and financial capability:
 - i) Appropriate bank references in a sealed envelope.
 - ii) **For the value of contracts signed and related to the company's direct activity**, proprietorships, general partnerships, cooperative consortia, artisan companies' consortia and permanent consortia will have to submit VAT annual return and the "Modello Unico" complete with the pertinent receipt for the previous five-year period. Capital companies will have to submit their budgets, reclassified in compliance with European directives, the relevant "nota di deposito" and the "nota integrativa" drawn up in accordance with art. 2427 of the civilian code, with reference to the last five-year period. For companies performing both construction and other activities, they will prove the overall value of their contracts by providing a self-certification of the legal representative, who will share the overall amount among the various activities.
 - iii) **For the value of contracts related to the company's indirect activity**, in proportion to the degree of participation of the requesting company, companies will have to submit their annual budgets, reclassified in compliance with the European

norms of the last five-year period, complete with the relevant “nota di deposito”, of the consortia at art. 10.1.e and e-bis of law n. 109/94, and of the societies of joint companies of which the subject company is part of, in the case that both (the consortia and the societies of joint companies) have billed the contracting agency directly and weren’t issued any invoice for works performed by associated parties.

b) To prove the adequate technical and organizational capability:

- i) **For the amount of works performed** per art. 18, 28, 31 and 32 (as applicable based on price for the work) of the subject decree, the certificates of the works performed in the last five-year period. These certificates must be drawn up in compliance with the format at enclosure “D” of D.P.R. 34/2000 and bear the explicit statement by the awarding agency that the works were executed regularly and successfully. Certificates released prior to the date of implementation of the aforementioned regulation will be accepted.
- ii) **For the overall labor cost sustained**, per art. 18, 28, 31 and 32 (as applicable based on the price for the work) of the subject decree, reclassified annual budgets for the last five-year period and the relevant “nota di deposito” by the parties bound to draw them up; annual taxes return, Modello (Form) 740, 750 or “Modello Unico”, along with the evidence that during the last five-year period the aforementioned forms were actually submitted by those parties bound to the budget drawing up; if the documentation forwarded does not show the data to be verified, self-certification of the legal representative, complete with the I.N.P.S. (Istituto Nazionale di Previdenza Sociale, in English National Institute of Social Insurance) documentation, certifying the amount paid for the aforementioned overall labor cost; for all the parties (both bound or not bound to drawing up the budget) a statement released by the legal representative about the consistency of the personnel, grouped by the various field of expertise, from which gleaning that that is consistent with the cost shown in the budgets and from the annual recapitulative forms certifying the payments made to I.N.P.S. and I.N.A.I.L. (Istituto Nazionale per l’Assicurazione contro gli Infortuni sul Lavoro, in English National Board for the Insurance against Accidents in Industrial Work) as well as to the “Casse Edili” with reference to the salaries paid to the employees and to the relevant contributions; cooperative consortia, consortia of artisan companies and permanent consortia will be able to prove their compliance with the requirement concerning their annual average staff by the cost borne for their own employees and the employees of the associated parties.
- iii) **For the permanent technical equipment** mentioned at art. 18, 28, 31 and 32 (as applicable based on the price for the work) of the subject decree, annual taxes returns, Modello 740, 750 or “Modello Unico”, along with the relevant submission receipt for the last five-year period, and complete with a self-certification by the legal representative about the quota referred to the technical equipment by sole

proprietorships and general partnerships; if the tax returns don't show the data referring to the amortization, the overall cost is proved by a self-certification of the legal representative, complete with a copy of the authenticated book of the amortizable goods; those parties bound to draw up the budget will have to submit their reclassified annual budgets of the last five-year period, in conformity with European directives and the relevant "nota di deposito"; if from the documents submitted it is not possible to go back to the amortization quota of the material fixed assets, the latter should be proved by submission of a self-certification of the legal representative and also by copy of the authenticated book of the amortizable goods, if necessary; cooperative consortia, consortia of artisan companies and permanent consortia will be able to prove to meet the subject requirement by means of the permanent equipment of their associated firms. If the technical equipment is leased, rather than owned, by the companies, the companies will have to show the annual fees paid by means of the relevant contracts.

Foreign companies not established in Italy will have to submit all the certifications above, which in their case will consist of the equivalent documents based on the law of the country of origin, translated into Italian and certified to be in conformity to the original text by diplomatic or consular authorities, or by an official translator.

If it is determined that the supporting back-up documentation fails to meet the requirements of D.P.R. 34 of 25 January 2000, the contract may be terminated for default. In the event the contract is terminated for default, the bidder/offeror is liable for any cost of acquiring the work that exceeds the amount of its bid/offer, and the bid guarantee, if required under the solicitation, is available to offset the difference.

SELF-CERTIFICATIONS REQUIREMENTS/CHECKLIST (do not include in solicitations)

- 1) General requirements to be met by prospective bidders under the provisions of Article 17 of D.P.R. no. 34 of 25 January 2000 and other laws in force: prospective bidders are required to document their compliance with the hereinafter requirements albeit by lodging self-certifications under the provisions of D.P.R. no. 403/98:
 - a) the bidder must be a citizen or a firm established under the laws of the Italian Republic or a member state of the E.U.; it being understood that foreigners bidding as one-man businesses or owners/directors of duly incorporated firms must have established their residence in Italy and be citizens of a state granting the same rights to Italian nationals;
 - b) none of the precautionary procedures as provided for in Section 3 of the Italian Act no. 1423 of 27 December 1956 must be pending against a bidder, nor shall any of the impediments as provided for in Section 10 of Act no. 575 of 31 May 1965 be applicable to the same;
 - c) no final judgments shall have been entered or threatened under the provisions of Section 444 of the Italian Criminal Procedure Code against the owner, legal representative, director or technical manager of the bidder;
 - d) no final judgment shall have been entered against the bidder for material breaches of the legal provisions in matters of social and welfare contributions in force in Italy or the bidder's home country;
 - e) no final judgment shall have been entered against the bidder for material breaches of the tax laws in force in Italy or the bidder's other home country;
 - f) the bidder must be included in the register of businesses of a chamber of commerce, industry, agriculture and arts and crafts or the proper professional roll or register of businesses of the applicable home country, it being understood that the business performed by the firm shall be specifically mentioned in the relevant certification;

- g) no bankruptcy petition must have been adjudicated against the bidder's organization and the latter must not have entered into an arrangement with creditors or be managed by an official receiver, whether appointed voluntarily or by operation of law pending its compulsory reorganization;
- h) no bankruptcy proceedings, arrangements with creditors or voluntary and/or compulsory receivership procedures must be pending against the bidder's organization;
- i) the bidder must not have materially mismanaged any public works implemented by his organization;
- l) no final judgment must have been entered against the bidder for breach of any of the legal provisions governing accident prevention and safety in workplaces;
- m) the bidder must not have made false representations concerning the compliance of his organization with the requirements to be met in view of the participation in calls for tenders and/or the certification of the bidder's systems.

2) **Special requirements.** To document compliance with the specific requirements applicable to prospective bidders under the provisions of articles 18 and 31 of D.P.R. no. 34 of 25 January 2000, bidders will have to submit self-certifications executed under the provisions of D.P.R. no. 403/98 in order to attest that:

- a) adequate economic and financial capacity to perform the work;
- b) adequate technical and organizational/managerial ability to perform the work;
- c) adequate technical facilities and equipment;
- d) adequate staffing.

Possession of a through d above is demonstrated as described in the following sections of D.P.R. 34/2000 based on the price for the work:

<u>Estimated Project Cost</u>	<u>Reference</u>
> 150,000 Euro	art. 18 & 28
> 150,000 and	art. 18 & 31

< Euro equiv. of 5,000,000 DSP

> Euro equiv. of 5,000,000 DSP art. 18 & 32

Anti-Mafia Screening

The need for Anti-Mafia screening is outlined in the 1995 Shell Agreement and the Bilateral Infrastructure Agreement (BIA).

“The US and Italian commanders will cooperate to avoid that the provision of goods and services create disturbances on the local market, by examining the possibility that, when US purchases are made by direct contracts, procedures similar to those used by the Italian Armed Forces are adopted, including anti-Mafia screening procedures.”

---- *Article XI, paragraph 1 of the 2 Feb 95 MOU, ref Article 31 of the BIA*

Formerly, Italian Decree Law 490/94 provided that an anti-Mafia statement be requested from the Prefettura's office prior to contracting with a firm. If the Prefettura concluded that there were prohibited Mafia connections, the contract could not be executed. However, by letter Prot. No. 141/3323/5000/SI of 6 August 1998, the IDGS informed the USCMC of the new anti-mafia procedures below, as implemented by D.P.R. n. 252 of 3 Jun 98:

- Anti-mafia screenings are required ONLY for construction contracts over 300 million ITL.
- Utilization of CCIAA certificates bearing the following statement (art. 9 of D.P.R. # 252 of 3 Jun 98):
“NULLA OSTA AI FINI DELL'ARTICOLO 10 DELLA LEGGE 31 MAGGIO 1965 N. 575 E SUCCESSIVE MODIFICAZIONI. LA PRESENTE CERTIFICAZIONE E' EMESSA DALLA C.C.I.A.A. UTILIZZANDO IL COLLEGAMENTO TELEMATICO CON IL SISTEMA INFORMATIVO UTILIZZATO DALLA PREFETTURA DI ROMA.”

The document to be provided by the contractor is as follows:

- An original copy of a current Chamber of Commerce Certificate of Membership (CCIAA) that contains the NULLA OSTA statement.

An example of the above document is included at the end of Appendix A.

The contracting officer must forward the CCIAA certificate inclusive of the NULLA OSTA statement with a cover letter indicating the solicitation number, date of bid opening for IFB's or date of selection for RFP's, estimated contract award amount in Italian Lire, and estimated start and completion dates of construction. In order to comply with the above process it is necessary

to include a termination provision in our contracts that can be exercised. The following clauses should be included in all applicable contracts:

Figure A-1: Anti-Mafia Screening Process

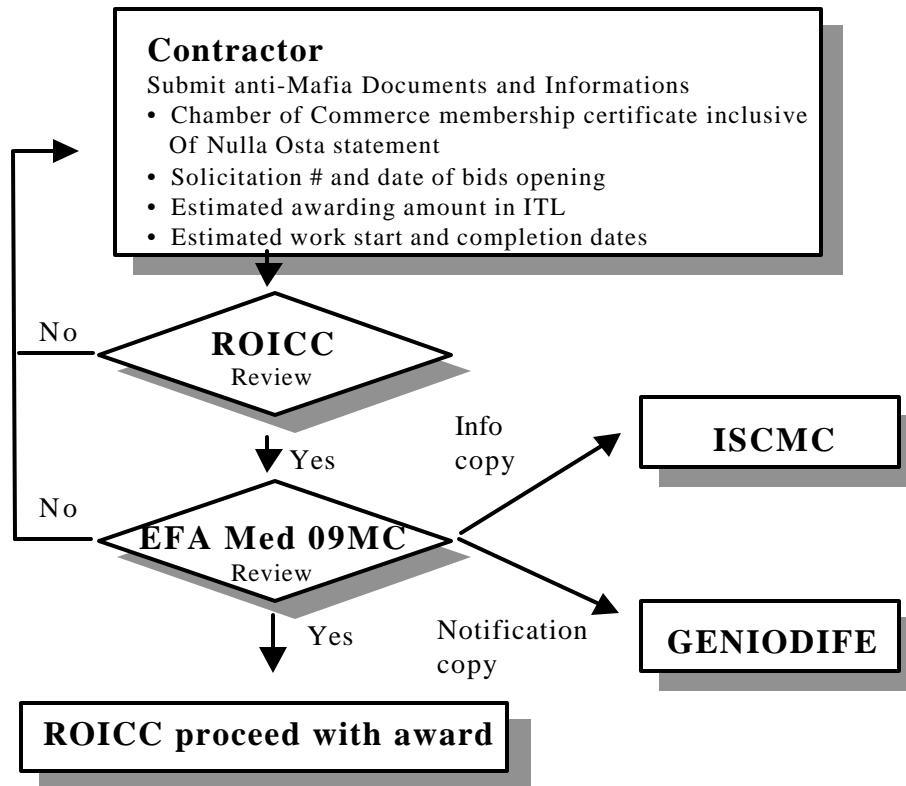


Figure A-2: Anti-Mafia Contract Clauses

25 Anti-MAFIA Procedures

25.1 Pre-Award Effect of Anti-Mafia Procedures: Inasmuch as the work of this solicitation is to be performed on land owned by the Italian State, the prospective contractor will be subject to Italian Law No. 646, of 13 September 1982, and subsequent integration's and amendments. The solicitation data will be made available only to firms that meet the submittal requirements described in paragraph 25.4. As such, in the event that prior to award any disciplinary actions or proceedings for Mafia related matters exist against the apparent low bidder, no award will be made to said low bidder.

25.2 Termination Under Italian Law No. 646 (Anti-Mafia): If during the life of this contract, any proceeding or disciplinary actions contemplated by Italian Law No. 646 of 13 September 1982 (and subsequent amendments and integration's) is undertaken against any component of the Contractor or any Subcontractor, the Government can consider this a failure to execute the work and terminate the Contractor's right to proceed with the work under the "Default" clause of this contract.

25.3 Application of Italian Law No 646 (Anti-Mafia) to subcontractors: In addition to the requirement in the "Subcontractors" clause of this contract, before the Contracting Officer can consent to any subcontractors, the Contractor will be required to certify to the Contracting Officer that no disciplinary actions or proceedings for Mafia related matters exist against such Subcontractors.

25.4 Submittal Requirements: Contractors are required to submit the following:

An original copy, unexpired and not older than 10 months at the time of the bid opening, of the Chamber of Commerce Certificate of Membership or Certificato di iscrizione alla Camera di Commercio which includes the NULLA OSTA statement (per D.P.R. n. 252 of 3 Jun 98).

Appendix B: IDGS Flag/General Officer Level Briefings (Fall Presentations)

The initial step in the Mixed Commission process is the submission of all original Ch1 and Ch2 Illustrative Statements to the ISCMC 30 days prior to the Fall Presentations. The 30-day time frame is required to enable the IDGS to coordinate preliminary project reviews within MOD IT channels in preparation for the presentations. The Fall Presentations are scheduled for late November/early December annually.

Fall Presentations are normally held at the Activity to allow members of the IDGS to see the facilities on base. However, holding a presentation in Rome is also possible. Individual briefings are held for the Army, Air Force, and Navy. Commanding Officers, or their authorized representatives, present the projects for their installations, describing the relationship of each project to the mission and master plan for the base. Briefings are conducted separately by each service in order to keep the presentation focused on the respective service. The IDGS is presented a consolidated briefing package for the service at each briefing session. The briefing package must be presented in English and Italian. Each activity is responsible for completing its own briefing package and submitting it to its component MC representative for inclusion into the consolidated briefing package for the respective service. The package for each activity must include the following information:

- Cover Sheet
- Mission Statement
- Executive Summary of the Development Plan for the Installation
- Map of the existing conditions of the Installation showing the Project locations
- Project lists broken down by project type
- Copies of Illustrative Statements

Cover Sheet

The cover sheet for the activity package should include the following:

Name of the Installation

Date of the Briefing - Month and Year only

Fiscal Year covered by the brief

Mission Statement

The mission statement for the activity is to be included. This must be the mission as defined in the Technical Agreement (TA) for the Installation.

Executive Summary

An executive level summary of the proposed development for the Installation must be included. This should include the vision for future development at the activity. The individual projects are defined later in the package, this section should be conceptual in nature. This should relate to the mission for the installation as defined in the mission statement included above.

Map of Existing Conditions Showing Project Locations

A map of the installation is to be included that indicates the project location with a color-coded dot and a leader with the project number. The map should reflect the current existing conditions at the activity. The scale of the map should be sufficient to show roads, major buildings and structures. The project dots are to be color coded as follows:

- Environmental Green
- Safety Red
- Modernization Yellow
- Quality of Life Blue

Project Lists

A list of the projects to be submitted must be included in the briefing package in table format. If multiple fiscal years are to be presented in the briefing separate tables for each year are required. Separate tables should also be developed for each category of project (i.e. “Chapter 1”, “Chapter 2”, “Chapter 3” and “Chapter 5”). The table should include the following information:

- Project Number This is the US special project or MCON number.
- Project Title A short descriptive title.
- New/Existing Is the facility new or an existing facility?
- Type of Project The project type reflects the categories indicated on the project map. The following terminology should be used.
 - Environmental Ambiente
 - Safety Sicurezza
 - Modernization Rimodernamento
 - Quality of Life Qualita della vita

Appendix C: Preparation of Illustrative Statement

Appendix D: Pre-Award and Post-Construction Certifications and Applicable Laws

Final Design Drawings- Pre-Award

The final design drawings must contain the original certification signed by an engineer or architect registered on the National Professional Rolls of Italy that the design complies with all applicable Italian laws and regulations. Required wording for the certification is as follows:

Figure D-1: Final Design Drawing Certification Statement

"HAVING REVIEWED THE DEFINITIVE AND DETAILED DESIGN FOR PROJECT No. (enter here the EBL/ISCMC I.D. #), PERTAINING TO (enter here the full description of the project) AT (enter here the location of the project), I DECLARE THAT I HAVE ASCERTAINED THAT THE STRUCTURES AND THE TECHNOLOGICAL SYSTEMS INCLUDED THEREIN COMPLY WITH THE APPLICABLE ITALIAN NORMS.

DATE _____

SIGNATURE

(PROFESSIONAL ROLL REGISTRATION STAMP)

"ESAMINATO IL PROGETTO DEFINITIVO E DETTAGLIATO N._____,
RELATIVO A _____ PER LA BASE DI _____,
DICHIO DI AVERE ACCERTATO CHE STRUTTURE ED IMPIANTI
TECNOLOGICI IN ESSO CONTENUTI RISPONDONO ALLA VIGENTE
NORMATIVA ITALIANA".

DATA _____

FIRMA

(~~BOLLO ALBO PROFESSIONALE~~)

Reinforced, Pre-stressed Reinforced Concrete and/or Structural Steel Designs:

- The design shall be certified by an engineer or architect registered on the National Professional Rolls of Italy. He must sign and affix to the final design a certification that the design calculations and drawings comply with applicable construction laws. The required certification wording is as shown in figure D-1.
- Performance of the construction work must be under the supervision of an engineer, architect, or technician registered on the National Professional Rolls of Italy. Certification of compliance with Italian Law 1086 shall be made the responsibility of the construction contractor by a clause or special provision in the construction contract as shown in Figure D-1.
- Static load tests shall be performed by an engineer, architect, or technician registered on the National Professional Rolls of Italy, for the term specified by the specific law, who did not participate in any capacity in the preparation of the design or in the supervision and performance of the work. The test shall be performed in accordance with Italian Law 1086 and shall be made the responsibility of the construction contractor by a clause or special provision in the construction contract as shown in Figure D-1.

Technical Systems Post Construction Certifications

The following certifications must be forwarded to GENIODIFE via the USCMC following construction. These certifications are needed to demonstrate that the infrastructure is in compliance with Italian Law as required under the Bilateral Agreement. An example of an electrical testing certification is included at the end of Appendix D.

One (1) original of the following certifications, as appropriate, and one marked up as-built set of plans are required upon completion of construction. An appropriate professional (as stipulated in the specific law) should perform these certifications. The individual must also be registered on the National Professional Rolls of Italy. The construction contract should include a clause (or clauses) indicating to the contractor that it is his responsibility to provide these certifications upon completion of construction. The post-construction certification clauses at Figure D-2 are suggested for the following certifications:

- 1. Static Load Test Certificate** - IAW Law 1086 of 5 Nov 71
- 2. Certificate of Compliance of Electrical Systems** - IAW CEI regulations and with DPR 547 of 27 Apr 55 on Accident Prevention.
- 3. Certificate of Compliance of Heating Systems above 100,000 Kcal/hr** - IAW Law 373 of 30 Apr 76.
- 4. Fire Prevention Certificate of Compliance** - IAW DM 16 Feb 92 and DM 8 Mar 85
- 5. Passenger and Freight Elevators Test Certificate** - IAW Law 1415 of 24 Oct 42
- 6. All work to be in compliance with E.C. Law 46 of 5 March 1990** - Provides for minimum standards of all technical systems in buildings.
- 7. As Built drawings** will include all plans, elevations, sections and layouts of water, electrical, sewer, heating, ventilation and air conditioning (HVAC) systems. Where appropriate, the as-builts should be certified by the construction supervision professional.

Laws Regulating Construction in Italy

- 1. Law No. 1086 of 5 Nov 1971** - Regulations for normal and pre-stressed reinforced concrete construction and construction with metal structures. Ministerial Decree No. 34232. Technical Standards for the performance of normal and pre-stressed reinforced concrete works and works with metal structures. (These are the standards implemented through Law No. 1086/71 with subsequent periodic amendments).
- 2. Law No. 64 of 2 Feb 1974** - Provisions for construction with particular requirements for seismic areas.
- 3. Law No. 46 of 3 Mar 1990** - Plant systems safety standards. Italian Presidential Decree No. 447 of 6 Dec. 1991. Regulations for implementation of Law No. 46/1990.
- 4. Italian Law 373 of 30 April 1976**- Regulations for Heating Systems above 100,000 Kcal/H.
- 5. Italian Law 1415 of 24 October 1942**- Passenger and Freight Elevators.

The following clauses should be included in all applicable contracts:

Figure D-2: Post-Construction Certification Contract Clauses

a. Certification of Compliance. As a condition of final acceptance of the work, the Contractor shall submit to the Contracting Officer a certified statement that the work complies with all applicable Italian laws and also a certified statement that the executed work is adequate and safe for the designated use. The certification shall be made by an engineer and/or architect regularly registered on the National Professional Rolls of Italy for at least ten years.

b. Static Load and Final Testing. The Contractor shall comply with the pertinent articles of Italian Law 1086 of 5 November 1971, and all subsequent revisions. Because this construction will be performed on property owned by the Italian State, the 1086 Law Articles pertaining to notification and participation by civil authorities are not applicable. The Contractor shall be fully responsible for construction, supervision, static load tests and final testing, and for all costs associated with this procedure and specifically follow Article 7 of Italian Law 1086 in performing the test. Any fees for these tests shall be in accordance with Italian Professional Law No 143 of 2 March 1949 as amended. Article 2 of Italian Law 1086, as amended, requires the static load tests to be performed under the supervision of an engineer or architect registered on the National Professional Rolls of Italy. Since GENIODIFE intends to participate in static load and final testing, the contractor shall notify the Contracting Officer at least 21 calendar days prior to any static load or final test to enable the Contracting Officer to notify GENIODIFE, and prior to performing the tests, submit to the Contracting Officer the names and the certified credentials of the engineer(s) or architect(s) they propose to perform the static load testing. Upon completion of the test, the Contractor shall submit to the Contracting Officer two original certifications of the static load test results together with a certification that the static load tests were performed by the same engineer(s) or architect(s) whose certified credentials were previously submitted. The Contracting Officer will submit on original certification to Geniodife.

c. Other tests. In addition to the certifications listed above, the Contractor shall comply with all other certifications and testing required by Italian Law. The Contractor is also responsible for all permits required by Italian Law (See contract clause paragraph 87 - USEUCOM 252.236-9900 entitled Permits and Responsibilities (1984-E)). The Contractor shall submit to the Contracting Officer two originals of each certification required by Italian Law. Such certifications may include but not be limited by the following as applicable to the project:

(1) Certificate of compliance of electrical systems in accordance with CEI regulations and with DPR 547 of 27 April 1955 on accident prevention.

(2) Certificate of compliance of heating systems above 100,000 Kcal/hr in accordance with Italian Law 373 of 30 April 1976

(3) Certificate of fire prevention compliance in accordance with DM 16 February 1982 and DM 8 March 1985

(4) Certificate of passenger and freight elevators test in accordance with Italian Law 1415 of 24 October 1942

(5) Certificate that all work complies with E.C. Law No. 46 of 5 March 1990, which provides minimum standards of all technical systems in buildings.

Appendix E: Mixed Commission Project Check list

This list is intended to assist in the approval process for the individual project.

Figure E-1:

Italian Mixed Commission Project Checklist

US Project Number _____ ISMC Project Number _____

Project Title _____

	Chapter 1	Chapter 2	Chapter 3	Chapter 5
Pre-Approval				
Coordination with Italian Commanding Officer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Project Briefed to IDGS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preparation of Illustrative Statement in AE scope (if desired)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Italian Engineer Certification in AE scope	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preparation of SBA submittal in AE scope	<input type="checkbox"/>	n/a	<input type="checkbox"/>	<input type="checkbox"/>
Environmental statement included in Illustrative Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Illustrative Statement prepared	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Final design signed by Italian engineer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Final design sent to ISMC (2 copies)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anti-mafia termination clause in solicitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contractor qualification clauses included in solicitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post construction submittal clause in solicitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
As-built clause in solicitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disclaimer statement to ISMC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination with GENIODIFE representative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Justification for use of Troop Labor	n/a	n/a	n/a	<input type="checkbox"/>
Pre-financing Statement	n/a	n/a	n/a	n/a
Pre-Award				
Bidders list submitted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bidders list approved	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anti-mafia screening information submitted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contractor qualification information submitted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post Construction				
GENIODIFE invited to final inspection (30 days notice)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Testing certificates received from construction contractor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Testing certificates sent to the ISMC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
As-built drawings sent to the ISMC (1 copy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appendix F: SBA Submittal Process

When a project is located in an environmentally sensitive area, the Italian Defense General Staff must obtain approval from the Soprintendenza ai Beni Ambientali (SBA). This is similar to the EPA in the United States. The IDGS requires documentation to be prepared for submission to the SBA. Six copies of the documentation must be provided to the USCMC. The following information is required:

1. Location plan of the Installation showing the work site.
2. Plan of the existing conditions indicating the distance to the sea and from the existing buildings.
3. Plan showing the future conditions.
4. Elevation of the above ground portion of the facility (if applicable).
5. Typical section of the facility to be built.
6. Material list for the facility without pricing.
7. A brief description of the operation of the facility. This needs to have slightly more detail than the description included in the project's illustrative statement.

Appendix G: US Side Construction Mixed Commission Tracking Report

The following report is prepared and maintained by the USCMC. It is forwarded to each activity on a semiannual basis. The report can be used to track the status of Mixed Commission approvals for all projects. The report is only as useful as the information we receive. Please review it periodically and notify the USCMC of required updates. In particular, if a project which has been approved is no longer required, it is important that the USCMC and ISCMC be notified to close it out and take it off the list. Your comments and ideas for making the report more useful are welcomed.

Appendix H: Glossary

ANC	Albo Nazionale dei Costruttori - The Italian Roll of Approved Contractors
BIA	Bilateral Infrastructure Agreement
CCIAA	Certificato d'Iscrizione alla Camera di Commercio - Chamber of Commerce Certificate of Membership
COMIPA	Comitato Misto Paritetico - an Italian government committee composed of military and civilian representatives. This committee reviews all construction on military bases which may affect the local civilian economy.
Galasso Law	Italian Environmental Act
GENIODIFE	The Italian Ministry of Defense Directorate of Engineering and Public Works. Geniodife is responsible for ensuring that all construction on military bases in Italy, including U.S. bases, meets the Italian building laws.
ICB	International Competitive Bidding
IDGS	Italian Defense General Staff
IFB	Invitation for Bids
ISCMC	Italian Section, Mixed Commission
IS	Illustrative Statement
Ispettorato Logistico	The Italian military technical review board
Italian Design Professional	An Italian Engineer, Architect or Technician registered on the National Professional Rolls of Italy. (Note: in Italy registered technicians are licensed to perform minor engineering tasks.)
MOD IT	Ministero Della Difesa Italiano - the Italian Ministry of Defense

MBAC	Ministero dei Beni Ambientali e Culturali - the Italian counterpart to the U.S. Environmental Protection Agency charged with enforcement of Galasso Law regulations. May be overruled by MODI on military projects critical to the defense of Italy.
ODC	Office of Defense Cooperation. A department of the U.S. Embassy government organization located in Rome.
SBA	Sovrintendenza ai Beni Ambientali e Culturali - (also Soprintendenza) a local representative of MBAC authorized to perform Galasso Law reviews. May be overruled by MBAC.
SOFA	Status of Forces Agreement
USCMC	U.S. Section, Construction Mixed Commission